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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,372	07/15/2003	Ian Boddy	71486-0051	1371
20915	7590	12/14/2005	EXAMINER	
MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503			AMARI, ALESSANDRO V	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/604,372

Applicant(s)

BODDY, IAN

Examiner

Alessandro V. Amari

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,17,20,22-25,30-33,35,37-43,46 and 48-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17,20,22-25,30-33,35,37-43,46 and 48-59 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Navarra de Componentes Electronicos FR 2666717 in view of Verreries Hirtz GB 2250406.

In regard to claim 1, Navarra teaches (see Figures 1-4) a heater element (2, 3) for a vehicular mirror wherein the heater element is mounted adjacent to the mirror wherein the heater element is formed from a sheet of heat conductive material (1) having a heater element perimeter and wherein the heater perimeter is sizable by stretching said sheet of heat conductive material from an initial smaller dimension to a final larger dimension to conform to an effective area of a selected one of a plurality of mirrors to perform defogging and defrosting operations thereon as shown in Figures 2-4. Regarding claim 3, Navarra teaches that the heater element is stretched to conform to the size of the selected one of a plurality of mirrors as is shown in Figure 4.

Regarding claim 4, Navarra teaches that the heater element further comprises at least one row of spaced apart penetrations (4) and the penetrations form apertures when the heater element is stretched as shown in Figure 4. Regarding claim 5, Navarra teaches that the penetrations are slits as shown in Figures 2-4. Regarding claim 6, Navarra

teaches that the slits are parallel to each other as shown in Figures 2-4. Regarding claim 7, Navarra teaches that the slits are inclined relative to each other as shown in Figures 2-4. Regarding claim 8, Navarra teaches that at least one row of spaced apart penetrations comprises at least two rows of spaced apart penetrations as shown in Figures 2-4. Regarding claim 9, Navarra teaches that the penetrations in a first row of the at least two rows of spaced apart penetrations are spaced laterally from the penetrations in a second row of the at least two rows of spaced apart penetrations as shown in Figures 2-4.

However, in regard to claim 1, Navarra does not teach the housing or the mounting plate arranged such at least one of the heater element perimeter and the mounting plate perimeter are configured to retain the heater element perimeter adjacent to the mounting plate perimeter when the heater element is stretched across the planar surface of the mounting plate.

In regard to claim 1, Verreries Hirtz teaches (see Figures 1, 2) a housing as described on page 10, lines 17-24 and a mounting plate (19). Verreries Hirtz also teaches the provision of a mounting plate in register with the mirror and the heater element mounted adjacent the mirror to the mounting plate within the housing as shown in Figure 2. Further, Verreries Hirtz teaches that the purpose of the heater elements in vehicle rear view mirrors is to perform both defogging and defrosting operations on the mirror as described on page 1, lines 4-10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a mounting plate and housing as taught by Verreries

Hirtz for the heated mirror of Navarra in the interest of protecting the mirror element with the housing and in the interest of facilitating mounting and adjustment of the mirror within the housing. Further it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the heater element of Navarra in a manner to perform both a defogging and a defrosting operation on the mirror since Verreries Hirtz teach that this is the usual purpose of such heating elements.

Allowable Subject Matter

3. Claims 17, 20, 22-25, 30-33, 37-43, 46 and 48-59 are allowed.
4. Claims 17, 20, 22-25, 30-33, 37-43, 46 and 48-59 are allowable for the reasons provided in the previous office action.

Response to Arguments

5. Applicant's arguments filed 29 September 2005 have been fully considered but they are not persuasive.

The applicant argues that neither Navarra nor Verreries Hirtz teach the retention of the heater element perimeter adjacent the mounting plate perimeter when the heater element is stretched across the planar surface of the mounting plate.

In response to this argument, the Examiner would like to point out that Navarra teaches a heater for a vehicular mirror wherein the heater comprises a flexible laminar support having a perimeter which is selectively sizable to conform to the size of a selected one of a plurality of mirrors. The English translation of '717 indicates (see page 15 of 18, 3rd and 4th paragraphs of the translation) that the heater element of Navarra adapts and is compatible with the surface to be covered, i.e., the surface of the

mounting plate of Verreries Hirtz. Thus, the combination of Navarra and Verreries Hirtz teaches the retention of the heater element perimeter adjacent the mounting plate perimeter when the heater element is stretched across the planar surface of the mounting plate as claimed.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (571) 272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

avaQ1A
09 December 2005


MARK A. ROBINSON
PRIMARY EXAMINER